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FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER LLP 901 NEW YORK AVENUE, NW WASHINGTON, DC 20001-4413			EXAMINER MCCORMICK, GABRIELLE A	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/643,995	Applicant(s) WINKLEVOSS ET AL.	
	Examiner Gabrielle McCormick	Art Unit 3629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

1. This action is in reply to the application filed on August 20, 2003.
2. Claims 1-40 are currently pending and have been examined.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claim 39 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 39 recites the limitation "the information means" in line 2. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. **Claim 28** is rejected under 35 U.S.C. 102(b) as being anticipated by Schoen et al. (US Pat. No. 6,235,176, hereinafter referred to as "Schoen").
7. **Claim 28:** Schoen discloses
 - *means for receiving a calculation request from a resource associated with a plan provider;*
(col. 14; lines 2-4 and lines 25-34 and Figure 1)

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- *means for identifying a system plan using information included in the calculation request; (col. 8; lines 34-35 and Figure 1)*
- *means for identifying at least one calculation type from the information included in the calculation request; (col. 8; lines 35-39 and Figure 1)*
- *means for retrieving, from the system plan, data required to perform the at least one calculation type; (col. 8; lines 39-42 and Figure 1)*
- *means for performing the calculation type using the retrieved information; (ccol. 8; lines 39-42 and Figure 1)*
- *means for generating an output for displaying results of the calculation type to the user. (col. 14; lines 9-13 and Figure 1).*

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. **Claims 1-5, 9-13, 29, 32 and 38-40** are rejected under 35 U.S.C. 103(a) as being unpatentable over Social Security Administration (documented from the Internet Archive from December 6, 2001 at <http://web.archive.org/web200111007074105/www.ssa.gov/retire2/AnypiaApple.html> and <http://web.archive.org/web200111005034133/www.asec.org/ssablpk.htm> hereinafter referred to as "SSA") in view of Cushing et al. (US Pub. No. 2001/0034684, hereinafter referred to as "Cushing").
10. **Claim 1:** SSA discloses
- *receiving, by a calculation module, a request for a benefit determination; accessing, by the calculation module, the provisions from the repository in response to the request; accessing,*

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by the calculation module, benefit data associated with the benefit plan; and providing, via the calculation module, the benefit determination based on the provisions and the benefit data.

(See "OnlineCalculator" – page 3. The instructions disclose using a calculator to present an estimated monthly benefit from the Social Security Administration based on data entered.

The provisions are considered to be the data entry points of age at retirement and annual earnings. The benefit data is the "monthly benefit" calculated based on these data entries.)

11. SSA does not disclose *enabling a user to create provisions for a benefit plan using an expression language or maintaining the provisions in a repository.*
12. Cushing, however, discloses "designing a 401(k) retirement plan" (para. [0037] and Figures 10 and 11) and "Retirement plan data and plan sponsor data is stored on a storage medium" (para. [0038]).
13. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included designing and storing retirement plan provisions, as disclosed by Cushing in the system disclosed by SSA, for the motivation of providing retirement benefits that are searchable based on individual criteria such as retirement age. The system disclosed by SSA does, inherently, possess such features, as shown by the ability to enter individual earnings and retirement age data in order to generate a monthly benefit allowance.
14. **Claim 5:** SSA discloses
 - *receiving, by a calculation module, a request to perform a benefit calculation; identifying, via the calculation module, the system plan using information included in the request; accessing, by the calculation module, the system plan from a repository; and performing, by the calculation module, the benefit calculation using the provisions.* (See "OnlineCalculator" – page 3. The instructions disclose using a calculator to present an estimated monthly benefit from the Social Security Administration (system plan) based on data entered. The provisions are considered to be the data entry points of age at retirement and annual earnings. The benefit data is the "monthly benefit" calculated based on these data entries.)

15. SSA does not disclose *enabling a user to create provisions for a benefit plan using an expression language or associating the provisions with a system plan.*
16. Cushing, however, discloses "designing a 401(k) retirement plan" (para. [0037] and Figures 10 and 11), "providing the plan sponsor the ability to modify recommended plan rules" (para. [0025]) and "Retirement plan data and plan sponsor data is stored on a storage medium" (para. [0038]).
17. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included designing and storing retirement plan provisions, as disclosed by Cushing in the system disclosed by SSA, for the motivation of providing retirement benefits that are searchable based on individual criteria such as retirement age. The system disclosed by SSA does, inherently, possess such features, as shown by the ability to enter individual earnings and retirement age data in order to generate a monthly benefit allowance.
18. **Claim 29:** SSA discloses *calculation means for: receiving a request to perform a calculation for the benefit plan; retrieving the provisions from the repository means in response to the request; performing the calculation using the provisions; and generating an output including a result associated with the calculation.* (See "OnlineCalculator" – page 3. The instructions disclose using a calculator to present an estimated monthly benefit from the Social Security Administration (system plan) based on data entered. The provisions are considered to be the data entry points of age at retirement and annual earnings. The benefit data is the "monthly benefit" calculated based on these data entries.)
19. SSA does not disclose *provider means for administering a benefit plan to a beneficiary; setup means for enabling a user to generate provisions, via an expression language, for the benefit plan; validation means for validating the provisions; repository means for maintaining the provisions.*
20. However, Cushing discloses "plan sponsors" (para. [0025], "designing a 401(k) retirement plan" (para. [0037] and Figures 10 and 11), "performing an eligibility check to determine, prior to any plan design work, whether a prospective plan sponsor may effectively design a group retirement

- plan using the system." (para. [0027]) and "Retirement plan data and plan sponsor data is stored on a storage medium" (para. [0038]).
21. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included design, validation and storage steps by a plan sponsor, as disclosed by Cushing in the system disclosed by SSA, for the motivation of ensuring accessibility and accuracy of data. In the system of SSA, retirement age is an important factor in determining the benefit. SSA discloses "earnings are assumed to stop at that age". Therefore, an important feature of the SSA system is the validation of the age entry as an individual is making financial decisions based upon the accuracy of the data generated by SSA.
22. **Claim 2:** SSA discloses *outputting the benefit determination*. (page. 3; "Calculate...Your estimated monthly benefit will be presented.")
23. **Claims 3, 11 and 38:** SSA discloses *interest rates* (page 7: "Don't panic...They factor in compounding. That's where your money not only makes interest, your interest starts making interest...").
24. **Claim 4:** SSA discloses *identifying the system plan provisions using information included in the request*. (page 3: "Age at retirement" where the benefit amount is dependent upon retirement age).
25. **Claim 9:** SSA in view of Cushing discloses the limitations of claim 5. SSA does not disclose *enabling the user to validate the provisions prior to associating the provisions with the system plan*. However, Cushing discloses "performing an eligibility check to determine, prior to any plan design work, whether a prospective plan sponsor may effectively design a group retirement plan using the system." (para. [0027]).
26. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included a validation step, as disclosed by Cushing in the system disclosed by SSA, for the motivation of ensuring accuracy of the data generation. In the system of SSA, retirement age is an important factor in determining the benefit. SSA discloses "earnings are assumed to stop at that age". Therefore, an important feature of the SSA system is the validation

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of the age entry as an individual is making financial decisions based upon the accuracy of the data generated by SSA.

27. **Claim 10:** SSA in view of Cushing discloses the limitations of claim 5. SSA does not disclose a *database*. However, Cushing discloses "Retirement plan data and plan sponsor data is stored on a storage medium serviced by a database server."
28. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included a database, as disclosed by Cushing in the system disclosed by SSA, for the motivation of providing a searchable means of accessing information.
29. **Claim 12:** SSA discloses *using the provisions and the accessed benefit data*. (page 3: "Age at retirement" where the benefit amount is dependent upon retirement age).
30. **Claim 13:** SSA discloses *calculating a benefit payable to a beneficiary*. (page 3: "Calculate... Your estimated monthly benefit will be presented.")
31. **Claim 32:** SSA does not disclose *user-defined guidelines associated with the provisions*. However, Cushing discloses, "Good plan design includes selecting plan rules that meet the needs of the sponsor."
32. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included user-defined guidelines, as disclosed by Cushing in the system disclosed by SSA, for the motivation of demonstrating that benefits programs, such as Social Security, are subject to the constraints and regulations legislated by Congress.
33. **Claim 39:** SSA discloses using interest rates to perform calculations (page 7: "Don't panic... They factor in compounding. That's where your money not only makes interest, your interest starts making interest...").
34. **Claim 40:** SSA discloses *receiving a request to perform a benefit calculation; identifying a system plan using information in the request; accessing the system plan from a repository; and performing the benefit calculation using provisions*. (See "OnlineCalculator" – page 3. The instructions disclose using a calculator to present an estimated monthly benefit from the Social Security Administration (system plan) based on data entered. The provisions are considered to

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be the data entry points of age at retirement and annual earnings. The benefit data is the "monthly benefit" calculated based on these data entries.)

35. SSA does not disclose *provisions, created by a user via an expression language, associated with the system plan.*

36. Cushing, however, discloses "designing a 401(k) retirement plan" (para. [0037] and Figures 10 and 11), "providing the plan sponsor the ability to modify recommended plan rules" (para. [0025]).

37. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included designing retirement plan provisions, as disclosed by Cushing in the system disclosed by SSA, for the motivation of providing retirement benefits that are searchable based on individual criteria such as retirement age. The system disclosed by SSA does, inherently, possess such features, as shown by the ability to enter individual earnings and retirement age data in order to generate a monthly benefit allowance.

38. **Claims 6-7, 30 and 33** are rejected under 35 U.S.C. 103(a) as being unpatentable over Social Security Administration (documented from the Internet Archive from December 6, 2001 at <http://web.archive.org/web200111007074105/www.ssa.gov/retire2/AnypiaApple.html> and <http://web.archive.org/web200111005034133/www.asec.org/ssablpk.htm> hereinafter referred to as "SSA") in view of Cushing et al. (US Pub. No. 2001/0034684, hereinafter referred to as "Cushing") in view of Gilbert et al. (US Pat. No. 6,041,313, hereinafter referred to as "Gilbert").

39. **Claims 6 and 7:** SSA in view of Cushing does not disclose *enabling the user to create at least one formula or performing the benefit calculation according to the at least one formula.* However, Gilbert discloses "vesting formula" (col. 9; lines 52-32).

40. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included formulas, as disclosed by Gilbert, in the system disclosed by SSA, for the motivation of providing an arithmetic means of calculating a benefit.

41. **Claim 30:** SSA in view of Cushing does not disclose *calculating an interest accrual associated with the beneficiary.* However, Gilbert discloses an employee loan feature which includes

- entering a "fixed interest rate". (col. 13; lines 39-49: Note: It is inherent in calculating monthly loan payments to include the interest accrued.)
42. **Claim 33:** SSA in view of Cushing does not disclose *the user-defined guidelines indicate at least one event and at least one corresponding action to perform in response to the event*. However, Gilbert discloses an employee loan feature which upon entry of loan information calculates "amortized mothly payment,..." (col. 13; lines 39-49).
43. **Claim 8** is rejected under 35 U.S.C. 103(a) as being unpatentable over Social Security Administration (documented from the Internet Archive from December 6, 2001 at <http://web.archive.org/web200111007074105/www.ssa.gov/retire2/AnypiaApple.html> and <http://web.archive.org/web200111005034133/www.asec.org/ssablpk.htm> hereinafter referred to as "SSA") in view of Cushing et al. (US Pub. No. 2001/0034684, hereinafter referred to as "Cushing") in view of **Official Notice**
44. **Claim 8:** SSA in view of Cushing discloses the limitations of claim 5. SSA in view of Cushing does not disclose *a standalone data processing system*. However, the Examiner takes **Official Notice** that it is old and well known in the finance arts to use desktop computers with storage devices such as CD-ROMS to upload software applications.
45. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included a standalone data processing system, in the system disclosed by Cushing, for the motivation of providing limited access to retirement plan information.
46. **Claims 14-15, 17, 19-20 and 22-27** are rejected under 35 U.S.C. 103(a) as being unpatentable over Cushing et al. (US Pub. No. 2001/0034684, hereinafter referred to as "Cushing") in view of Social Security Administration (documented from the Internet Archive from December 6, 2001 at <http://web.archive.org/web200111007074105/www.ssa.gov/retire2/AnypiaApple.html> and <http://web.archive.org/web200111005034133/www.asec.org/ssablpk.htm> hereinafter referred to as "SSA").

47. **Claim 14:** Cushing discloses *a plan provider for administering a benefit plan to a beneficiary; (para. [0024]: "plan sponsor"); a data processing system for enabling the plan provider to generate provisions; via an expression language, for the benefit plan; (para. [0037]: "designing a 401(k) retirement plan" and Figures 10 and 11) a repository for maintaining the provisions (para. [0038]: "Retirement plan data and plan sponsor data is stored on a storage medium")*
48. Cushing does not disclose *a calculation module, coupled to the repository, configured to: receive a calculation request from a resource associated with the plan provider; access the provisions from the repository in response to the request; perform at least one calculation of a type specified in the request using the provisions; and generate an output for presenting at least one result associated with the at least one calculation.*
49. SSA, however, discloses an online Social Security Benefits Calculator (See "OnlineCalculator" – page 3. The instructions disclose using a calculator to present an estimated monthly benefit from the Social Security Administration based on data entered. The provisions are considered to be the data entry points of age at retirement and annual earnings. The benefit data is the "monthly benefit" calculated based on these data entries.)
50. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included a benefits calculator, as disclosed by SSA in the system disclosed by Cushing, for the motivation of allowing employees convenient access to estimations of their pension benefits.
51. **Claim 15:** Cushing discloses *a retirement program through which an employer provides post-employment benefits to the beneficiary. (para. [0037]: "401(k) retirement plan, a popular defined contribution retirement system.")*
52. **Claim 17:** Cushing discloses *an interface that transmits the provisions to the repository. (Figure 1).*
53. **Claim 19:** Cushing discloses *an interface that transmits the provisions to the repository after the user validates the provisions. (para. [0027]: "eligibility check").*

54. **Claim 20:** Cushing discloses *data structure residing on a computer drive*. (para. [0038]: "Retirement plan data and plan sponsor data is stored on a storage medium").
55. **Claim 22:** Cushing does not disclose *the calculation module includes an application software module residing on a server*. However, SSA discloses an "Online calculator" (page 1). While it is not explicitly stated in SSA that application software resides on a server, it is considered to be inherent in that the system of SSA resides on the Internet ("Online calculator" – page 1) where both a server to connect to the Internet and an application to run the calculator must necessarily be present.
56. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included application software, as disclosed by SSA, in the system disclosed by Cushing, for the motivation of allowing employees convenient access to estimations of their pension benefits via the Internet.
57. **Claim 23:** Cushing discloses an Internet and an intranet. (para. [0038]).
58. **Claim 24:** Cushing does not disclose *an identifier associated with the benefit plan for retrieving the provisions from the repository*. However, SSA discloses entering "your date of birth" (page 3) as part of generating Social Security benefits data.
59. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included an identifier, as disclosed by SSA, in the system disclosed by Cushing, for the motivation of providing a means that "will allow you to estimate your Social Security benefit (SSA, page 1, para 1).
60. **Claim 25:** Cushing discloses *a storage device for maintaining benefit data*. (para. [0038]: "storage medium").
61. **Claim 26:** Cushing discloses *regulatory provisions*. (para. [0027]: "the system acts as an underwriter, determining whether the potential plan sponsor meets the criteria" and para. [0009]: "government regulations and guidelines concerning plan requirements are quite complicated." It is inherent in Cushing's invention that regulatory provisions are part of the validation step.

62. **Claim 27:** Cushing does not disclose a *calculation module...configured to perform the calculation specified in the request using the provisions and the benefit data*. However, SSA discloses on page 3: "Age at retirement" (where the benefit amount is dependent upon retirement age).
63. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included a *calculation module configured to perform the calculation specified in the request using the provisions and the benefit data*, as disclosed by SSA, in the system disclosed by Cushing, for the motivation of providing a means that "will allow you to estimate your Social Security benefit (SSA, page 1, para 1).
64. **Claim 16** is rejected under 35 U.S.C. 103(a) as being unpatentable over Cushing et al. (US Pub. No. 2001/0034684, hereinafter referred to as "Cushing") in view of Social Security Administration (documented from the Internet Archive from December 6, 2001 at <http://web.archive.org/web200111007074105/www.ssa.gov/retire2/AnypiaApple.html> and <http://web.archive.org/web200111005034133/www.asec.org/ssablplk.htm> hereinafter referred to as "SSA") in view of **Official Notice**
65. **Claim 16:** Cushing in view of SSA discloses the limitations of claim 14. Cushing does not disclose a *standalone data processing system*. However, the Examiner takes **Official Notice** that it is old and well known in the finance arts to use desktop computers with storage devices such as CD-ROMS to upload software applications.
66. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included a standalone data processing system, in the system disclosed by Cushing, for the motivation of providing limited access to retirement plan information.

67. **Claims 18 and 21** are rejected under 35 U.S.C. 103(a) as being unpatentable over Cushing et al. (US Pub. No. 2001/0034684, hereinafter referred to as "Cushing") in view of Social Security Administration (documented from the Internet Archive from December 6, 2001 at <http://web.archive.org/web200111007074105/www.ssa.gov/retire2/AnypiaApple.html> and <http://web.archive.org/web200111005034133/www.asec.org/ssablpk.htm> hereinafter referred to as "SSA") in view of Gilbert et al. (US Pat. No. 6,041,313, hereinafter referred to as "Gilbert").
68. **Claim 18:** Cushing in view of SSA does not disclose *running sample calculations*. However, Gilbert discloses, "Testing results are based upon calculations and formulas imbedded in the program...Testing can be done for a current year or previous years and can be performed as frequently as the employer wishes." (col. 17; lines 48-55).
69. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included sample calculations as disclosed by Gilbert, in the system disclosed by Cushing, for the motivation of running "frequent ad hoc compliance testing (to help) the employer anticipate the year-end results and head-off problems." (Gilbert; col. 17; lines 57-58).
70. **Claim 21:** Cushing in view of SSA does not disclose *at least one of a relational database, a distributed database, and an object-oriented programming database*. Gilbert, however, in column 4; lines 64-66, discloses "a relational database structure to maintain all information required to administer a 401(K) Plan..."
71. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included a relational database, as disclosed by Gilbert, in the system disclosed by Cushing, for the motivation of streamlining "the administration of the 401(K) Plan and keep manual administrative overhead to a minimum." (Gilbert; col. 5; lines 5-7).
72. **Claims 34-37** are rejected under 35 U.S.C. 103(a) as being unpatentable over Social Security Administration (documented from the Internet Archive from December 6, 2001 at <http://web.archive.org/web200111007074105/www.ssa.gov/retire2/AnypiaApple.html> and <http://web.archive.org/web200111005034133/www.asec.org/ssablpk.htm> hereinafter referred to

as "SSA") in view of Cushing et al. (US Pub. No. 2001/0034684, hereinafter referred to as "Cushing") in view of Foster ("Portability of pension benefits among jobs". Monthly Labor Review. Washington: Jul 1994. Vol. 117, Iss. 7; pg. 45).

73. **Claims 34-37:** SSA in view of Cushing discloses the limitations of claim 29. SSA further discloses entering annual earnings (pg. 3: "Annual earnings". Note: This is construed to reflect employment history and its inclusion in SSA's calculator denotes *directing the calculation module to perform an action for each employment status change*). SSA does not disclose a *service accrual calculation; evaluating an employment history; employment history status changes or user-defined guidelines*.
74. Foster, however, discloses, "Benefits are generally based on salary and years of service" (service accrual calculation) in paragraph 1 and a comparison of retirement incomes for two individual with different employment histories and the impact the status (changing jobs under a defined benefit plan) using pension benefit formula (user-defined guidelines) in paragraphs 5 and 6.
75. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included the impact of employment histories, as disclosed by Foster, in the system disclosed by SSA, for the motivation of modeling the impact of varying levels of income on projected retirement income for improved decision making and planning purposes.
76. **Claim 31** is rejected under 35 U.S.C. 103(a) as being unpatentable over Social Security Administration (documented from the Internet Archive from December 6, 2001 at <http://web.archive.org/web200111007074105/www.ssa.gov/retire2/AnypiaApple.html> and <http://web.archive.org/web200111005034133/www.asec.org/ssablpk.htm> hereinafter referred to as "SSA") in view of Cushing et al. (US Pub. No. 2001/0034684, hereinafter referred to as "Cushing") in view of Gilbert et al. (US Pat. No. 6,041,313, hereinafter referred to as "Gilbert") in view of King (US Pat. No. 5,742,775).

77. **Claim 31:** SSA in view of Cushing in view of Gilbert discloses the limitations of claim 30. SSA does not disclose *accrual means, coupled to the calculation means, for calculating the interest accrual; and structure means for specifying an interest rate structure to be used by the accrual means, said structure means including: a first interest rate table including an historical index of rates, means for receiving instructions to adjust interest rates in the first interest rate table, means for generating an updated first interest rate table in accordance with the instructions, and means for dynamically building a second table of rates according to the benefit plan provisions using the updated first interest rate table.*
78. King, however, discloses, "An operatively interconnected data processing and computing system is provided for creating, servicing and paying loan agreements between a lender and borrower providing for repayment of the loan together with interest at a periodically adjusted rate based on the terms of the agreement." (Abstract). In column 12; lines 6-31, King discloses "database functions processing" (means), "The recalculation and establishment of the annual adjustable interest rate" (interest rate structure and updating), "changes in various interest rate indices" and repayment of "accrued interest".
79. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have included accruing and updating interest rates, as disclosed by King, in the system disclosed by Gilbert, for the motivation of determining "if it is beneficial for the borrower to accerlerate the financial instrument, thus fully or partialy repaying the lender's principal and/or accrued interest." (King; col. 12; lines 25-28).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gabrielle McCormick whose telephone number is 571-270-1828. The examiner can normally be reached on Monday - Thursday (5:30 - 4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on 571-272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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